

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge Carl Horn III was designated to consider and recommend disposition of Defendants Motion to Dismiss and the Alternative Motion for a More Definite Statement. The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). “By contrast, in the absence of a timely filed objection, a district


court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).


II. CONCLUSION

Accordingly, after a careful review of the record in this case, the Court finds that the Magistrate Judge’s findings of fact are supported by the record and the conclusions of law are consistent with and supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections). Thus, the Court hereby accepts the M&R of Magistrate Judge Horn and adopts it as the final decision of this Court for all purposes relating to this case.¹

IT IS, THEREFORE, ORDERED that Defendants’ Motion to Dismiss is **DENIED**.

Signed: July 26, 2006


Frank D. Whitney
United States District Judge



¹The Court has reviewed the Affidavit of John C. Golding (Doc. No. 25-1), and is aware that Plaintiff passed away on or about May 10, 2006. The effect of Plaintiff’s death on this case is not ripe for discussion at this time. Should Defendants follow up on this issue, the Court will entertain and rule on a well-supported motion at an appropriate time.